

House File 334 - Introduced

HOUSE FILE _____
BY T. TAYLOR

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to eligibility requirements for qualification for
2 unemployment compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1896YH 82
5 ak/es/88

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1 1 Section 1. Section 96.3, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. PARTIAL UNEMPLOYMENT. An individual who is partially
1 4 ~~or temporarily~~ unemployed in any week as defined in section
1 5 96.19, subsection 38, paragraph "b" ~~or "c"~~, and who meets the
1 6 conditions of eligibility for benefits shall be paid with
1 7 respect to that week an amount equal to the individual's
1 8 weekly benefit amount less fifty percent of that part of wages
1 9 payable to the individual with respect to that week in excess
1 10 of one-fourth of the individual's weekly benefit amount. The
1 11 benefits shall be rounded to the lower multiple of one dollar.
1 12 ~~Benefits for an individual who is partially employed shall not~~
1 13 ~~exceed an amount equal to the individual's average weekly wage~~
1 14 ~~for insured work paid to the individual during that quarter of~~
1 15 ~~the individual's base period in which the individual's wages~~
1 16 ~~were highest.~~

1 17 Sec. 2. Section 96.3, subsection 4, Code 2007, is amended
1 18 to read as follows:

1 19 4. DETERMINATION OF BENEFITS. ~~With respect to benefit~~
1 20 ~~years beginning on or after July 1, 1983, an An~~ eligible
1 21 individual's weekly benefit amount for a week of total
1 22 unemployment shall be an amount equal to ~~the following~~
1 23 ~~fractions one-twentieth~~ of the individual's total wages in
1 24 insured work paid during that quarter of the individual's base
1 25 period in which such total wages were highest; the director
1 26 shall determine annually a maximum weekly benefit amount equal
1 27 to ~~the following percentages, to vary with the number of~~
1 28 ~~dependents, sixty-six and two-thirds percent~~ of the statewide
1 29 average weekly wage paid to employees in insured work which
1 30 shall be effective the first day of the first full week in
1 31 July+.

1 32 if the	The weekly	Subject to
1 33 number of	benefit amount	the following
1 34 dependents	shall equal	maximum
1 35 is+	the following	percentage of
2 1	fraction of high	the statewide
2 2	quarter wages+	average
2 3		weekly wage+
2 4 0	1/23	53%
2 5 1	1/22	55%
2 6 2	1/21	57%
2 7 3	1/20	60%
2 8 4 or more	1/19	65%

2 9 The maximum weekly benefit amount, if not a multiple of one
2 10 dollar shall be rounded to the lower multiple of one dollar.
2 11 ~~However, until such time as sixty-five percent of the~~
2 12 ~~statewide average weekly wage exceeds one hundred ninety~~
2 13 ~~dollars, the maximum weekly benefit amounts shall be~~
2 14 ~~determined using the statewide average weekly wage computed on~~
2 15 ~~the basis of wages reported for calendar year 1981. As used~~
2 16 ~~in this section "dependent" means dependent as defined in~~
2 17 ~~section 422.12, subsection 1, paragraph "c", as if the~~
2 18 ~~individual claimant was a taxpayer, except that an individual~~
2 19 ~~claimant's nonworking spouse shall be deemed to be a dependent~~
2 20 ~~under this section. "Nonworking spouse" means a spouse who~~

2 21 does not earn more than one hundred twenty dollars in gross
2 22 ~~wages in one week.~~

2 23 Sec. 3. Section 96.4, subsection 3, Code 2007, is amended
2 24 to read as follows:

2 25 3. a. The individual is able to work, is available for
2 26 work, and is earnestly and actively seeking work.

2 27 b. This subsection is waived if the individual is deemed
2 28 partially unemployed, while employed at the individual's
2 29 regular job, as defined in section 96.19, subsection 38,
2 30 paragraph "b", unnumbered paragraph 1, or temporarily
2 31 unemployed as defined in section 96.19, subsection 38,
2 32 paragraph "c".

2 33 c. The work search requirements of this subsection and the
2 34 disqualification requirement for failure to apply for, or to
2 35 accept suitable work of section 96.5, subsection 3 are waived
3 1 if the individual is not disqualified for benefits under
3 2 section 96.5, subsection 1, paragraph "h".

3 3 d. The work search requirements of this subsection are
3 4 waived for individuals who qualify for unemployment insurance
3 5 benefits under section 96.5, subsection 11. These individuals
3 6 shall register for work but otherwise will not be required to
3 7 actively seek work on a weekly basis. Suitable work for these
3 8 individuals must reasonably accommodate each individual's need
3 9 to address the physical, psychological, legal, and other
3 10 effects of domestic violence.

3 11 Sec. 4. Section 96.4, subsection 4, Code 2007, is amended
3 12 to read as follows:

3 13 4. The individual has been paid wages for insured work
3 14 during the individual's base period ~~in an amount at least one~~
3 15 ~~and one-quarter times the wages paid to the individual during~~
3 16 ~~that quarter of the individual's base period in which the~~
3 17 ~~individual's wages were highest; provided that the individual~~
3 18 ~~has been paid wages for insured work~~ totaling at least three
3 19 and five-tenths percent of the statewide average annual wage
3 20 for insured work, computed for the preceding calendar year if
3 21 the individual's benefit year begins on or after the first
3 22 full week in July and computed for the second preceding
3 23 calendar year if the individual's benefit year begins before
3 24 the first full week in July, in that calendar quarter in the
3 25 individual's base period in which the individual's wages were
3 26 highest, and the individual has been paid wages for insured
3 27 work totaling at least one-half of the amount of wages
3 28 required under this subsection in the calendar quarter of the
3 29 base period in which the individual's wages were highest, in a
3 30 calendar quarter in the individual's base period other than
3 31 the calendar quarter in which the individual's wages were
3 32 highest. The calendar quarter wage requirements shall be
3 33 rounded to the nearest multiple of ten dollars.

3 34 If the individual does not have sufficient wages in the
3 35 base period to qualify for benefits pursuant to this section,
4 1 then the extended base period shall be applied if such
4 2 extended base period qualifies the individual for benefits
4 3 under this section.

4 4 If the individual has drawn benefits in any benefit year,
4 5 the individual must during or subsequent to that year, work in
4 6 and be paid wages for insured work totaling at least ~~two~~
4 7 ~~hundred fifty dollars~~ the statewide average weekly wage, as a
4 8 condition to receive benefits in the next benefit year.

4 9 Sec. 5. Section 96.5, subsection 1, Code 2007, is amended
4 10 by adding the following new paragraph:

4 11 NEW PARAGRAPH. b. The individual left employment during
4 12 the first thirty calendar days of employment.

4 13 Sec. 6. Section 96.5, subsection 1, paragraph j,
4 14 unnumbered paragraph 1, Code 2007, is amended to read as
4 15 follows:

4 16 The individual is a temporary employee of a temporary
4 17 employment firm who notifies the temporary employment firm of
4 18 completion of an employment assignment and who seeks
4 19 reassignment. Failure of the individual to notify the
4 20 temporary employment firm of completion of an employment
4 21 assignment within three working days of the completion of each
4 22 employment assignment under a contract of hire shall ~~be deemed~~
4 23 ~~a voluntary quit~~ deem the individual not able and available
4 24 for work unless the individual was not advised in writing of
4 25 the duty to notify the temporary employment firm upon
4 26 completion of an employment assignment or the individual had
4 27 good cause for not contacting the temporary employment firm
4 28 within three working days and notified the firm at the first
4 29 reasonable opportunity thereafter.

4 30 Sec. 7. Section 96.5, subsection 5, paragraph a, Code
4 31 2007, is amended to read as follows:

4 32 a. Wages in lieu of notice, separation allowance,
4 33 ~~severance pay, or dismissal pay.~~
4 34 Sec. 8. Section 96.5, subsection 7, Code 2007, is amended
4 35 to read as follows:

5 1 7. SEVERANCE PAY OR VACATION PAY.

5 2 a. When an employer makes a payment or becomes obligated
5 3 to make a payment to an individual for severance pay, vacation
5 4 pay, or for vacation pay allowance, or as pay in lieu of
5 5 vacation, such payment or amount shall be deemed "wages" as
5 6 defined in section 96.19, subsection 41, and shall be applied
5 7 as provided in paragraph "c" ~~hereof~~.

5 8 b. When, in connection with a separation or layoff of an
5 9 individual, the individual's employer makes a payment or
5 10 payments to the individual, or becomes obligated to make a
5 11 payment to the individual as, or in the nature of, severance
5 12 pay, vacation pay, or vacation pay allowance, or as pay in
5 13 lieu of vacation, and within ~~ten~~ fourteen calendar days after
5 14 notification of the filing of the individual's claim,
5 15 designates by notice in writing to the department the period
5 16 to which the payment shall be allocated; provided, that if
5 17 such designated period is extended by the employer, the
5 18 individual may again similarly designate an extended period,
5 19 by giving notice in writing to the department not later than
5 20 the beginning of the extension of the period, with the same
5 21 effect as if the period of extension were included in the
5 22 original designation. The amount of a payment or obligation
5 23 to make payment, is deemed "wages" as defined in section
5 24 96.19, subsection 41, and shall be applied as provided in
5 25 paragraph "c" ~~of this subsection~~ 7.

5 26 c. Of the wages described in paragraph "a", ~~(whether~~
5 27 ~~whether~~ or not the employer has designated the period ~~therein~~
5 28 ~~described)~~ described in paragraph "a", or of the wages
5 29 described in paragraph "b", if the period ~~therein~~ described
5 30 has been designated by the employer as ~~therein~~ provided, a sum
5 31 equal to the wages of such individual for a normal workday
5 32 shall be attributed to, or deemed to be payable to the
5 33 individual with respect to, the first and each subsequent
5 34 workday in such period until such amount so paid or owing is
5 35 exhausted. Any individual receiving or entitled to receive
6 1 wages as provided ~~herein~~ in this paragraph "c" shall be
6 2 ineligible for benefits for any week in which the sums, so
6 3 designated or attributed to such normal workdays, equal or
6 4 exceed the individual's weekly benefit amount. If the amount
6 5 so designated or attributed as wages is less than the weekly
6 6 benefit amount of such individual, the individual's benefits
6 7 shall be reduced by such amount.

6 8 d. Notwithstanding contrary provisions in paragraphs "a",
6 9 "b", and "c", if an individual is separated from employment
6 10 and is scheduled to receive severance or vacation payments
6 11 during the period of unemployment attributable to the employer
6 12 and if the employer does not designate the severance or
6 13 vacation period pursuant to paragraph "b", then payments made
6 14 by the employer to the individual or an obligation to make a
6 15 payment by the employer to the individual for severance pay,
6 16 vacation pay, vacation pay allowance or pay in lieu of
6 17 vacation shall not be deemed wages as defined in section
6 18 96.19, subsection 41, for any period in excess of one week for
6 19 severance pay and one week for vacation pay and such payments
6 20 or the value of such obligations shall not be deducted for any
6 21 period in excess of one week for severance pay and one week
6 22 for vacation pay from the unemployment benefits the individual
6 23 is otherwise entitled to receive under this chapter. However,
6 24 if the employer designates more than one week as the severance
6 25 period or more than one week as the vacation period pursuant
6 26 to paragraph "b", the severance pay, the vacation pay,
6 27 vacation pay allowance, or pay in lieu of vacation shall be
6 28 considered wages and shall be deducted from benefits.

6 29 e. If an employer pays or is obligated to pay a bonus to
6 30 an individual at the same time the employer pays or is
6 31 obligated to pay vacation pay, a vacation pay allowance, or
6 32 pay in lieu of vacation, the bonus shall not be deemed wages
6 33 for purposes of determining benefit eligibility and amount,
6 34 and the bonus shall not be deducted from unemployment benefits
6 35 the individual is otherwise entitled to receive under this

7 1 chapter.
7 2 Sec. 9. Section 96.5, Code 2007, is amended by adding the
7 3 following new subsection:

7 4 NEW SUBSECTION. 11. DOMESTIC VIOLENCE.

7 5 a. An individual shall not be disqualified if the
7 6 individual establishes to the satisfaction of the director
7 7 that the reason the individual left work was due to domestic

7 8 violence, including any of the following:

7 9 (1) The individual's reasonable fear of future domestic
7 10 violence at or en route to or from the individual's place of
7 11 employment.

7 12 (2) The individual's need to relocate to another
7 13 geographic area in order to avoid future domestic violence.

7 14 (3) The individual's need to address the physical,
7 15 psychological, and legal impacts of domestic violence.

7 16 (4) The individual's need to leave employment as a
7 17 condition of receiving services or shelter from an agency
7 18 which provides support services or shelter to victims of
7 19 domestic violence.

7 20 (5) Any other situation in which domestic violence causes
7 21 the individual to reasonably believe that termination of
7 22 employment is necessary for the future safety of the
7 23 individual or the individual's family.

7 24 b. An individual may demonstrate the existence of domestic
7 25 violence by providing one of the following:

7 26 (1) Commencement of an action pursuant to section 236.3.

7 27 (2) The issuance of a protective order, as defined in
7 28 section 664A.1, pursuant to chapter 232.

7 29 (3) The issuance of a court order pursuant to section
7 30 236.5.

7 31 (4) The issuance of an emergency order pursuant to section
7 32 236.6.

7 33 (5) The response of a peace officer to the scene of
7 34 alleged domestic abuse, a report by a peace officer
7 35 documenting domestic abuse, or documentation that the
8 1 perpetrator of the domestic abuse has been convicted of
8 2 domestic abuse assault pursuant to sections 236.2 and 708.2A.

8 3 (6) Medical documentation of the domestic abuse.

8 4 (7) A statement provided by a counselor, social worker,
8 5 health worker, member of the clergy, shelter worker, legal
8 6 advocate, or other professional who has assisted the
8 7 individual in addressing the effects of the domestic abuse on
8 8 the individual or the individual's family.

8 9 (8) A sworn statement from the individual attesting to the
8 10 domestic abuse.

8 11 c. All evidence of domestic violence received by the
8 12 department shall not be disclosed unless the individual who
8 13 experienced the domestic violence consents to disclosure.

8 14 Sec. 10. Section 96.6, subsection 2, Code 2007, is amended
8 15 to read as follows:

8 16 2. INITIAL DETERMINATION. A representative designated by
8 17 the director shall promptly notify all interested parties to
8 18 the claim of its filing, and the parties have ten days from
8 19 the date of mailing the notice of the filing of the claim by
8 20 ordinary mail to the last known address to protest payment of
8 21 benefits to the claimant. The representative shall promptly
8 22 examine the claim and any protest, take the initiative to
8 23 ascertain relevant information concerning the claim, and, on
8 24 the basis of the facts found by the representative, shall
8 25 determine whether or not the claim is valid, the week with
8 26 respect to which benefits shall commence, the weekly benefit
8 27 amount payable and its maximum duration, and whether any
8 28 disqualification shall be imposed. The claimant has the
8 29 burden of proving that the claimant meets the basic
8 30 eligibility conditions of section 96.4. The employer has the
8 31 burden of proving that the claimant is disqualified for
8 32 benefits pursuant to section 96.5, except as provided by this
8 33 subsection. The claimant has the initial burden to produce
8 34 evidence showing that the claimant is not disqualified for
8 35 benefits in cases involving section 96.5, subsection 10, and
9 1 has the burden of proving that a voluntary quit pursuant to
9 2 section 96.5, subsection 1, was for good cause attributable to
9 3 the employer and that the claimant is not disqualified for
9 4 benefits in cases involving section 96.5, subsection 1,
9 5 paragraphs "a" through "h". Unless the claimant or other
9 6 interested party, after notification or within ten fourteen
9 7 calendar days after notification was mailed to the claimant's
9 8 last known address, files an appeal from the decision, the
9 9 decision is final and benefits shall be paid or denied in
9 10 accordance with the decision. However, if a denial causes a

9 11 benefit overpayment as determined in a separate decision, and
9 12 a claimant files an appeal from the overpayment decision
9 13 within fourteen calendar days after notification was mailed to
9 14 the claimant's last known address, the appeal of the
9 15 overpayment decision shall also be considered an appeal of the
9 16 denial decision causing the benefit overpayment. If an
9 17 administrative law judge affirms a decision of the
9 18 representative, or the appeal board affirms a decision of the

9 19 administrative law judge allowing benefits, the benefits shall
9 20 be paid regardless of any appeal which is thereafter taken,
9 21 but if the decision is finally reversed, no employer's account
9 22 shall be charged with benefits so paid and this relief from
9 23 charges shall apply to both contributory and reimbursable
9 24 employers, notwithstanding section 96.8, subsection 5.

9 25 Sec. 11. Section 96.6, subsection 3, unnumbered paragraph
9 26 1, Code 2007, is amended to read as follows:

9 27 Unless the appeal is withdrawn, an administrative law
9 28 judge, after affording the parties reasonable opportunity for
9 29 fair hearing, shall affirm or modify the findings of fact and
9 30 decision of the representative. The hearing shall be
9 31 conducted pursuant to the provisions of chapter 17A relating
9 32 to hearings for contested cases. Before the hearing is
9 33 scheduled, the parties shall be afforded the opportunity to
9 34 choose either a telephone hearing or an in-person hearing. A
9 35 request for an in-person hearing shall be approved unless the
10 1 in-person hearing would be impractical because of the distance
10 2 between the parties to the hearing. A telephone or in-person
10 3 hearing shall not be scheduled before the seventh calendar day
10 4 after the parties receive notice of the hearing. Reasonable
10 5 requests for the postponement of a hearing shall be granted.
10 6 The parties shall be duly notified of the administrative law
10 7 judge's decision, together with the administrative law judge's
10 8 reasons for the decision, which is the final decision of the
10 9 department, unless within ~~fifteen~~ fourteen days after the date
10 10 of notification or mailing of the decision, further appeal is
10 11 initiated pursuant to this section.

10 12 Sec. 12. Section 96.7, subsection 2, paragraph a,
10 13 subparagraph (2), unnumbered paragraph 3, Code 2007, is
10 14 amended to read as follows:

10 15 An employer's account shall not be charged with benefits
10 16 paid to an individual who left the work of the employer
10 17 voluntarily without good cause attributable to the employer,
10 18 or to an individual who was discharged for misconduct in
10 19 connection with the individual's employment, or to an
10 20 individual who was discharged for unsatisfactory work or work
10 21 attitude during the first thirty calendar days of employment,
10 22 or to an individual who failed without good cause, either to
10 23 apply for available, suitable work or to accept suitable work
10 24 with that employer, but shall be charged to the unemployment
10 25 compensation fund. This paragraph applies to both
10 26 contributory and reimbursable employers, notwithstanding
10 27 section 96.8, subsection 5.

10 28 Sec. 13. Section 96.19, Code 2007, is amended by adding
10 29 the following new subsections:

10 30 NEW SUBSECTION. 13A. "Domestic violence" includes
10 31 domestic abuse as defined in section 236.2; domestic abuse
10 32 assault as defined in section 708.2A; assault, harassment, and
10 33 stalking as defined in sections 708.1, 708.7, and 708.11; and
10 34 sexual abuse as defined in section 709.1 when committed
10 35 against the individual or the individual's dependent child by

11 1 one of following persons:
11 2 a. A current or former spouse of the individual.
11 3 b. A person with whom the individual shares parentage of a
11 4 child in common.

11 5 c. A person who is cohabitating with, or has cohabitated
11 6 with, the individual.

11 7 d. A person who is related by blood or marriage.

11 8 e. A person with whom the individual has or had a dating
11 9 or engagement relationship.

11 10 NEW SUBSECTION. 20A. "Extended base period" means the
11 11 period beginning with the first day of the six completed
11 12 calendar quarters immediately preceding the first day of an
11 13 individual's benefit year and ending with the last day of the
11 14 next to last completed calendar quarter immediately preceding
11 15 the date on which the individual filed a claim provided that
11 16 the first completed calendar quarter has not been previously
11 17 used for a claim in which benefits were paid unless the
11 18 benefits were overpaid and refunded prior to the date the
11 19 individual filed the claim for benefits under the extended
11 20 base period.

11 21 Sec. 14. Section 96.19, subsection 38, paragraph b, Code
11 22 2007, is amended to read as follows:

11 23 b. An individual shall be deemed partially unemployed in
11 24 any week in which, while employed at the individual's then
11 25 regular job, the individual works less than the regular
11 26 full-time week and in which the individual earns less than the
11 27 individual's average weekly ~~benefit amount plus fifteen~~
~~11 28 dollars~~ wage for insured work paid to the individual during
11 29 that quarter of the individual's base period in which the

11 30 individual's wages were highest.

11 31 An individual shall be deemed partially unemployed in any
11 32 week in which the individual, having been separated from the
11 33 individual's regular job, works less than forty hours and
11 34 earns at odd jobs less than the individual's average weekly
11 35 benefit amount plus fifteen dollars wage for insured work paid
12 1 to the individual during that quarter of the individual's base
12 2 period in which the individual's wages were highest.

12 3 EXPLANATION

12 4 This bill relates to the eligibility requirements for
12 5 qualification for receipt of unemployment compensation
12 6 benefits. The bill provides that individuals who are
12 7 partially or temporarily employed because of a reduction of
12 8 hours at the individual's regular job or because the
12 9 individual is working odd jobs may still qualify for
12 10 unemployment benefits in an amount reduced by one-half of the
12 11 wages earned from partial employment which exceed one-fourth
12 12 of the individual's weekly benefit amount. However, the
12 13 partially or temporarily employed individual's weekly benefit
12 14 amount shall not exceed the amount of the individual's average
12 15 weekly wage paid during the highest quarter of the
12 16 individual's base period.

12 17 The bill provides that the amount of an individual's weekly
12 18 benefit amount shall equal one-twentieth of the individual's
12 19 total wages in the highest quarter of the individual's base
12 20 period. The bill provides that the maximum weekly benefit
12 21 amount shall equal 66 and two-thirds percent of the statewide
12 22 average weekly wage paid to employees in insured work and
12 23 eliminates the calculation of the maximum weekly benefit
12 24 amount according to the number of dependents of an individual
12 25 and as a varying percentage of the statewide average weekly
12 26 wage.

12 27 The bill eliminates the requirement that to qualify for
12 28 unemployment benefits an individual must have been paid wages
12 29 during the individual's base period in an amount at least one
12 30 and one-quarter times the wages paid to the individual during
12 31 the highest quarter of the individual's base period. The bill
12 32 provides that if an individual's base period wages are
12 33 insufficient to be eligible for benefits, an extended base
12 34 period may be applied if it qualifies the individual for
12 35 benefits. "Extended base period" is defined as beginning the
13 1 first day of the six completed quarters immediately preceding
13 2 the first day of the individual's benefit year and ending the
13 3 last day of the next to last completed quarter immediately
13 4 preceding the date when the individual filed a claim for
13 5 benefits.

13 6 The bill provides that if an individual has received
13 7 benefits in any benefit year, the individual must be paid
13 8 wages in an amount at least equaling the statewide average
13 9 weekly wage, rather than \$250, before becoming eligible for
13 10 benefits in the next benefit year.

13 11 The bill provides that an individual shall not be
13 12 disqualified from benefits if the individual left employment
13 13 during the first 30 days of employment.

13 14 The bill provides that temporary employees who fail to
13 15 notify the temporary employment firm of completion of each
13 16 employment assignment shall be considered not able and
13 17 available for work to qualify for benefits.

13 18 The bill eliminates disqualification for benefits for any
13 19 week in which the individual receives severance pay and
13 20 provides for the treatment of receipt of severance pay in the
13 21 same manner as vacation pay.

13 22 The bill provides that an individual shall not be
13 23 disqualified from benefits if the individual left employment
13 24 due to domestic violence as a qualifying reason. Domestic
13 25 violence includes domestic abuse as defined in Code section
13 26 236.2, subsection 2; domestic abuse assault as defined in Code
13 27 section 708.2A; assault, harassment, and stalking as defined
13 28 in Code chapter 708; and sexual abuse as defined in Code
13 29 chapter 709, when committed against the individual or the
13 30 individual's minor child by one of the following persons: a
13 31 current or former spouse of the individual; a person with whom
13 32 the individual shares parentage of a child; a person who is
13 33 cohabitating with or has cohabitated with the individual; a
13 34 person who is related by blood or marriage; or a person with
13 35 whom the individual has or had a dating or engagement
14 1 relationship.

14 2 The bill requires that in order for an individual to
14 3 receive unemployment compensation benefits, the individual
14 4 must establish to the satisfaction of the director that the
14 5 reason the individual left work was due to domestic violence,

14 6 including any of the following reasons: the individual's fear
14 7 of future domestic violence at or en route to or from the
14 8 individual's place of employment; the individual's need to
14 9 relocate to another geographic area in order to avoid future
14 10 domestic violence; the individual's need to address the
14 11 physical, psychological, and legal impacts of domestic
14 12 violence; the individual's need to leave employment as a
14 13 condition of receiving services or shelter from an agency
14 14 which provides support services or shelter to victims of
14 15 domestic violence; or any other situation in which domestic
14 16 violence causes the individual to reasonably believe that
14 17 termination of employment is necessary for the future safety
14 18 of the individual or the individual's family.

14 19 The bill provides that an individual may demonstrate the
14 20 existence of domestic violence by providing proof of any of
14 21 the following: commencement of an action pursuant to Code
14 22 section 236.3; issuance of a protective order as defined in
14 23 Code chapter 664A and pursuant to Code chapter 232; issuance
14 24 of a court order pursuant to Code section 236.5; issuance of
14 25 an emergency order pursuant to Code section 236.6; the
14 26 response of a peace officer to the scene of alleged domestic
14 27 abuse, a report by a peace officer documenting abuse, or
14 28 documentation that the perpetrator of the abuse has been
14 29 convicted for domestic abuse assault pursuant to Code sections
14 30 236.2 and 708.2A; medical documentation of the abuse; a
14 31 statement provided by a counselor, social worker, health
14 32 worker, member of the clergy, shelter worker, legal advocate,
14 33 or other professional who has assisted the individual in
14 34 addressing the effects of the abuse on the individual or the
14 35 individual's family; or a sworn statement from the individual
15 1 attesting to the abuse.

15 2 The bill also states that any evidence of domestic violence
15 3 received by the department shall not be disclosed unless the
15 4 individual who experienced the domestic violence gives consent
15 5 for disclosure.

15 6 The bill waives the work search requirements for
15 7 individuals who qualify for unemployment compensation benefits
15 8 due to domestic violence. Suitable work for individuals who
15 9 receive unemployment compensation benefits due to domestic
15 10 violence must reasonably accommodate each individual's need to
15 11 address the physical, psychological, legal, and other effects
15 12 of domestic violence.

15 13 The bill provides that an individual may file an appeal of
15 14 a denial of benefits within 14 days after receiving
15 15 notification of the denial decision. Under current law, the
15 16 individual must file an appeal within 10 days. If the
15 17 individual appeals a decision which causes benefit
15 18 overpayment, the appeal shall also be considered an appeal of
15 19 the decision denying benefits which caused the overpayment.

15 20 The bill provides that an employer's contribution account
15 21 shall not be charged with benefits paid to an individual who
15 22 was discharged for unsatisfactory work or work attitude during
15 23 the first 30 days of the individual's employment.

15 24 LSB 1896YH 82

15 25 ak:rj/es/88